

In The United States District Court
For The District Of Delaware

William Joseph Webb Jr.,

Plaintiff,

v.

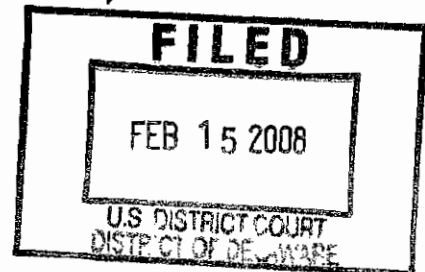
First Correctional Medical,

Et. Al.,

Defendants.

Civ. Act. No. : 07-31-GMS

Jury Trial Requested



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Motion to Compel Answers to Interrogatories, Better/Truthful

Answers to Interrogatories Answered, Discovery, and Intentionally

Left Out Discovery from Defendants "C.M.S.", Dr. Niaz,

and Ms. Gina Wolken; With Sanctions.

(Pursuant to Fed. R. of Civ. Proc. Rule 37.)

Comes now, Plaintiff, William Joseph Webb Jr. in requesting
the Court to hear His Motion to Compel at its earliest convenience
and in support, the following good cause is shown:

1. This motion is being made in good faith by Plaintiff.

2. On July 23, 2007 and August 7, 2007, Plaintiff sent both Discovery Requests and Interrogatories to all Defendants except First Correctional Medical, Dr. Ali, and all John and Jane Does. As of current, Governor Ruth Ann Minner has filed a challenge to dismiss Her as a defendant w/protective order; Stan Taylor has provided Discovery and answered some Interrogatories; "C.M.S." has attempted to provide Discovery with intentionally leaving parts out, and untruthfully along with not answering completely answers to Interrogatories; both Dr. Niaz and Ms. Gina Wolken have provided nothing,

3. On December 12, 2007, Plaintiff sent a letter to "Cms" attorney concerning the answers to the Interrogatories, no response was given. (Ex.A)

4. On January 9, 2008, Plaintiff made a good faith attempt to have the matters resolved prior to filing this Motion. (Ex.B)

5. Rule 37 entitles relief in favor of Plaintiff against said Defendants where Plaintiff has fully complied with the rules in order to avoid having to even file this Motion.

6. Defendants have still refused to supply anything even after Plaintiff gave them another 30 days.

7. Plaintiff has to suffer hours of constant writing in pen to file this Motion, it takes days just to research for filing this motion, where Plaintiff should mostly be focusing on his recent release date that is forthcoming along with if Plaintiff is even going to be able to go back into the construction trade due to these actions that have resulted in the filing of this lawsuit.

Therefore, Plaintiff respectfully requests that this Honorable Court grant his Motion and order the following sanctions:

a. That said Defendants immediately provide full discovery or the Court will ultimately grant the filed Default Judgment Motion.

b. That said Defendants answer, provide more complete and truthful answers to interrogatories or the Court will ultimately grant the filed Default Judgment Motion.

- c. A sanction in the amount of \$6,000.00 to be dispersed at a \$1500.00 per Defendant and their Attorney's Office.
- d. Attorney's fees in the amount of \$2,000 for the amount of time invested in preparing this Motion.
- e. Cost of postage.
- f. Any other sanctions/actions the Court deems appropriate.

Dated: February 12, 2008

Respectfully Submitted,
William Joseph Webb Jr.

William Joseph Webb Jr.

#00256056 / 17 SHU C12L

1181 Paddock Road

Smyrna, DE 19977

Certification

I, William Joseph Webb Jr. hereby certify under the penalty of perjury that on January 9, 2008, I sent a 'good faith' letter to Defendants "CMS," Dr. Nizer, and Ms. Gms Wolken in an attempt to get Discovery and Interrogatory issues resolved without having to file a Motion. (Ex. B)

Dated: February 12, 2008

William Joseph Webb Jr.

William Joseph Webb Jr.

256056 / 17 SHU C12L

1181 Paddock Road

Smyrna, DE 19977

Certificate of Service

I, William Joseph Webb Jr. hereby certify that I have served a true and correct copies of the attached Motion, Certification, and Exhibits upon the following by placing same in a sealed envelope and depositing in the U.S.P.S. Mailbox at D.C.C. Smyrna, DE 19977 on this 12th day of February, 2008:

To: Catherine Damavandi, Esq.

820 North French Street

Wilmington, DE 19801

To: Eileen M. Ford, Megan T. Mantzavinos,

and Ryan M. Ernst, Esqs.

913 Market Street - Suite 800

Wilmington, DE 19801

To: Dr. Ali

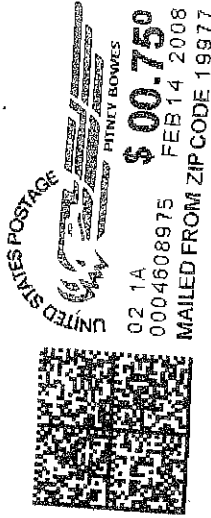
1301 East 12th Street

Wilmington, DE 19809

William Joseph Webb Jr.

William Joseph Webb Jr.

IM William Joseph Webb Jr.
SBI# 00252056 UNIT 17 SH C12L
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE, 19977



Clerk of the Dist. Ct. for Delaware
844 King Street
Lockbox 18
Wilmington, DE
19801



EXHIBIT A

My Ceph

To: Ryan M. Ernst, Esq.

Fr: William Joseph Webb Jr.
#256052 / 17 CL12
1181 Paddock Road
Smyrna, DE 19977

Re: Interrogatory Answers to #13, 7, 8, 9 and
the discrepancies in the dates of the Answers and
Affidavit.

December 12, 2007

Dear Mr. Ernst,

① Your client's answer to Interrogatory #1 is false where it is factually known that those three companies are corporate affiliated and the parent company is in Philadelphia.

② Your client's answer to Interrogatory #3 is false where it was published in the New Journal that CMS received a \$25,000,000.00 no-bid contract to provide medical services for the D.D.O.C.

③ Your client's answer to Interrogatory #7 is confused about the date, if you read the complaint and the question it clearly states that on April 19, 2006, not 2005. Also, the discovery I sent clearly states April 19, 2006.

Ex. A

My copy

④ Your client's answer to Interrogatory #8 and #9 does not explain the answer correctly nor does it tell what Gina Wolken was employed as, in which I need to know where I might need an expert witness in her field.

⑤ Why is the date of the Affidavit well over a month earlier than the Answers you have just filed.

⑥ Why haven't I received the discovery yet where your office has already defaulted on the behalf of your clients.

I will give you a chance to answer before I raise the price on default, remember perjured statements are violations.

Respectfully,

Will J. Wells

My Copy

Certificate of Service

I, William J. Webb Jr. hereby certify that I have served a true and correct copy(ies) of the attached letter upon the following:

To: Catherine Dama Vandi
820 North French Street
Wilmington, DE 19801

To: Megan T. Mantzavinos & Ryan Ernst
913 Market Street - Suite 800
Wilmington, DE 19801

To: First Correctional Medical
205 Girconda Way - Ste 115
Tucson, AZ 85704

To: Dr. Ali
1301 East 12th Street
Wilmington, DE 19809

By placing same in a sealed envelope, and depositing in the U.S. Mail at D.C.C. Smyrna, DE on this 12th day of December, 2007.

William J. Webb Jr.

EXHIBIT B

My Copy

To: Correctional Medical Services, Dr. Niaz, and Gina Wolken
Fr: William Joseph Webb Jr.

256056 / 17 SHU C12L

1181 Paddock Road

Smyrna, DE 19977

Subj.: Good faith attempt to get better answers
and answers to Interrogatories, along with
discovery intentionally left out.

Case #: 07-31-GMS

January 9, 2008

To CMS:

I have received your answers to my interrogatories
and a set of documents. I'm making a good faith
attempt to give you a chance to stop evading answering
questions truthfully, not fully, or providing documents
that are discoverable such as my Medical file at the
prison, the protocols for treating Cellulitis and M.R.S.A.,
the protocols for treating Hepatitis C and tests to be
performed prior to; finally the nurses hired with photos when

Ex B

My Copy

CMS took over as health care medical provider at D.C.C., and you need to correct the information previously forwarded.

To Dr. Niaz:

This is a good faith attempt being made as to why you have failed to answer my Interrogatories sent to you along with providing discoverable materials. Please forward your answers and discoverable materials.

To Ms. Gina Wolken:

This is a good faith attempt being made as to why you have failed to answer my Interrogatories sent to you along with providing discoverable materials. Please forward your answers and discoverable materials.

This is a 30 day notice before further action is taken.

Respectfully,
Will Joseph Webb